

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIANA MARTINEZ,

Plaintiff,

-against-

BRONX-LEBANON HOSPITAL CENTER,
BRONXLEBANON HOSPITAL CENTER HEALTH
CARE SYSTEM, BRONXCARE NETWORK,
BRONXCARE HEALTH SYSTEM, BRONXCARE
HOSPITAL CENTER, BRONXCARE HEALTH
INTEGRATED SERVICES SYSTEM, INC., BRONX-
LEBANON INTERGRATED SERVICES SYSTEM,
INC., BRONXHEALTH ACCESS IPA, INC., BRONX
HEALTH ACCESS, BRONXCARE IPA, INC., NEW
YORK RADIOLOGY ALLIANCE, VIRTUAL
RADIOLOGIC CORPORATION, VIRTUAL
RADIOLOGIC PROFESSIONALS OF NEW YORK,
ENVISION PHYSICIAN SERVICES, LLC,
ENVISION MANAGEMENT SERVICES, LLC,
ENVISION HEALTHCARE CORPORATION,
FRANCINE IVY MENDES, M.D., STEVEN H.
GOTTESFELD, M.D., ACACIA NETWORK, INC.,
ACACIA NETWORK, LA CASA DE SALUD, INC.,
LA CASA DE SALUD, ALLAREDDY VASANTH
KUMAR REDDY, M.D., RAJESH MAHARBHAI
PATEL, M.D., ARCANGELO ALDO LUBRANO,
M.D., ELIZABETH ELAINE HOLT, N.P., FLORA
ADELAIDE ANTWI, N.P., CARLINE LAMOUR-
OCCEAN, N.P., LUCY PALOMINO, N.P., EDITH
LYNN WILLIAMS, N.P., JOHN DOES 1-50 and JANE
ROES 1-50 being several doctors, nurses, and other
health care practitioners whose identities are presently
unknown,

Defendants.

Case No. 20 CV 1719 (DLC)

**STIPULATION OF
DISCONTINUACE
WITHOUT PREJUDICE**

WHEREAS, on or about November 29, 2018, Plaintiff Diana Martinez (“Plaintiff”) brought a medical malpractice action against several defendants including La Casa de Salud, Inc., Allareddy Vasanth Kumar Reddy, Rajesh Maharbhai Patel, Arcangelo Aldo Lubrano, Flora Adelaide Antwi, Edith Lynn Williams, Carline Lamour-Ocean, Lucy Palomino, and Elizabeth Elaine Holt (together, the “Federal Defendants”), in the Supreme Court of the State of New York, County of Bronx, Index No. 33531/2018E (the “State Action”).

WHEREAS, on or about March 5, 2020, the State Action was removed to the District Court for the Southern District of New York.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties, by their respective counsel, pursuant to Federal Rule of Civil Procedure 41(a)(2), as follows:

1. Plaintiff's claims against the Federal Defendants in this action are dismissed without prejudice.
2. This action is hereby remanded to the Supreme Court of the State of New York, County of Bronx, as there is no longer federal subject matter jurisdiction due to the dismissal of the Federal Defendants.
3. This Stipulation and Order of Dismissal (the "Stipulation and Order") may be executed in counterparts; a reproduced signature shall have the same force and effect as an original signature; and a facsimile or electronic copy of the Stipulation and Order shall have the same force and effect as an original.
4. The undersigned parties understand and agree that the Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements or negotiations, oral or otherwise, between the undersigned parties or their counsel that are not included herein shall be of any force or effect.

Dated: New York, New York
April 1, 2020

SONIN & GENIS, LLC

By: 

ROBERT J. GENIS
1 Fordham Plaza, Suite 907
Bronx, NY 10458
Tele.: (718) 561-4444

Counsel for Plaintiff

Dated: New York, New York
April 2, 2020

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: 

BRANDON H. COWART
86 Chambers Street, 3rd Fl.
New York, NY 10007
Tel.: (212) 637-2693

Counsel for the Federal Defendants

SO ORDERED:

April 3, 2020


DENISE COTE

United States District Judge